

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JULY 19, 2011

CALL TO ORDER/NOTING OF QUORUM

Chairman Huskey called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Sturtz and Commissioner Guthrie. Superintendent Strittmatter, Executive Secretary Neal and Public Information Officer Thickstun were also in attendance.

Mark Carmichael, Mark Webb, Connie Vickery, Bill Davis, Jeff McKean, Trevor Vance, and Debbie Rolfsen were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the July 5, 2011 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Hearing Judge Neal recommended the Commission approve the parties' agreed dispositions that were submitted for the July 19, 2011 meeting.

Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted for the July 19, 2011 meeting. Commissioner Sturtz seconded. The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by our staff with the authority of the Commission. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, or applications for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners. Commissioner Guthrie seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Commissioner Guthrie seconded. The motion was unanimously approved.

Three hundred ninety-two (392) permits approved for renewal, forty-two (42) new and/or transfer permits approved, six (6) permits approved for catering, four (4) permits approved for first year escrow, six (6) permits approved for second year escrow, two (2) permits approved for third year escrow, one (1) permit approved for fourth year escrow and two (2) permits approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Commissioner Guthrie seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR45-11027 SAC GRIFFITH, INC., D/B/A PEPE'S OF GRIFFITH – Commissioner Guthrie noted this is a type 210 renewal with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated the local board recommended denial because they felt the location has become a public nuisance and Excise has cited them more than once for operating on an expired permit.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal. Commissioner Sturtz seconded. The motion was unanimously approved.

RR45-03857 JP & P CORPORATION, D/B/A MICHIGAN AVENUE BAR & GRILL – Commissioner Guthrie noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to approve for one year.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal for one (1) year. Vice Chairman Johnson seconded. The motion was unanimously approved.

DL50-27947 FAMILY EXPRESS CORPORATION - Commissioner Guthrie noted this is a new type 115 application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie stated the local board cited no need or desire for the services at that location as reason for the recommendation of denial. There were no remonstrators physically present at the meeting; only one letter of remonstrance was presented. However, there was much evidence presented in favor of the issuance of the permit. The Commissioner also stated that another application was previously filed for a grocery permit before the same local board with the same recommendation of denial given to the Commission. That applicant appealed and the Commission overturned that denial.

Commissioner Guthrie moved to overturn the local board and approve the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

RC43-06649 TIPPECANOE LAKE COUNTRY CLUB - Commissioner Guthrie stated this permit is a type 211-3 club permit. The permittee requests the Commission convert this permit to a type 209 permit, so the establishment can be open to the public.

Commissioner Guthrie moved to approve the conversion. Vice Chairman Johnson seconded. The motion was unanimously approved.

ER64-22909 P 102, LLC; ER64-22912 P-105, LLC; RR45-81350 RB Schererville 101, LLC; RR45-21312 RB Schererville 105, LLC; RR45-20178 RB Schererville 106, LLC; RR45-18312 RB Schererville 101, LLC - Commissioner Guthrie stated the above referenced permits were purchased for restaurants in part of a large development project. However, the project is currently on hold. The permits are currently in escrow, but the expiration dates are different. The permittee's attorney, along with the ATC processors, request the Commission assign a common expiration date for the escrow periods regarding these permits, which would help in the managing of these files. They request the date to be 12/12/11, as the 3rd year escrow expiration date.

Commissioner Guthrie moved to approve the common expiration date. Commissioner Sturtz seconded. The motion was unanimously approved.

INACTIVE FILES

INACTIVE FILES- Vice Chairman Johnson moved to make eighty-six (86) permits inactive. Sixty-seven (67) permits are not subject to auction and nineteen (19) permits are subject to auction. Commissioner Guthrie seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

2011 READOPTION- 905 IAC 1-42 – Commissioner Guthrie noted 905 IAC 1-42 will sunset at the end of this year, if not readopted by the Commission. This rule deals with the discharge, demotion, or suspension of nonprobationary enforcement officers.

Commissioner Guthrie moved to readopt this rule. Vice Chairman Johnson seconded. The motion was unanimously approved.

W 91-23555 THE LAKES DISTRIBUTORS, LLC – Commissioner Guthrie stated this wholesale permit expired on 6/30/10 and was made inactive in March 2011. The permittee requests the Commission reactivate this permit.

Commissioner Guthrie moved to reactivate this wholesaler permit. Vice Chairman Johnson seconded. The motion was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

REBATES AND COUPONS – Chairman Huskey announced there will be a meeting on July 28, 2011 at 10:00 a.m., regarding rebates and coupons. The Chairman asked that anyone having any questions or

comments they would like addressed at that meeting to submit those in writing to Executive Secretary Neal by July 26, 2011.

TYPE 2 GAMING – Chairman Huskey stated he wanted to make everyone aware that there will be a meeting, in the future, regarding Type 2 gaming issues.

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

Approved this _____ day of _____, 2011.

ALEX HUSKEY, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER